IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 11120 of 2005

Between:

Sri Venkateswara Rice & Floor Mill, Rep by its Proprietor,
K. Vijaya Bhaskar Reddy, S/o. Venkata Reddy, aged about 42 years, R/o. Nagi Reddypalem Village, Bellamkonda Mandal, Guntur District.

..... PETITIONER

AND

1 The Southern Power Distribution Company of A.P. Limited, Rep by its Managing Director, Tirupathi.
2 The Assistant Divisional Engineer, Operation, A.P.S.P.D.C.L., Piduguralla, Guntur District.
3 The Divisional Engineer, Assessments, Vijayawada.
4 The Assistant Engineer Operation, Rajupalem, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the notice issued by the 2nd respondent in Lr.No. ADE/O/PDRL/F.No. Doc.No. /D.No. 120/05-06
dt. 24-4-2005 as illegal, arbitrary and unconstitutional as it is contrary to Sec. 126 of Electricity Act 2003 and consequently set aside the same and direct the respondents to restore the power supply to the petitioner's service connection bearing NO. 10 of Sri Venkateswara Rice & Floor Mill forthwith.

Counsel for the Petitioner: MR.K.SURESHREDDY

Counsel for the Respondents: MR.M.SREERAMULU REDDY

The Court made the following:

ORDER:

Learned standing counsel for the respondents fairly concedes the legal position as set out in the judgment of this court dated 14-02-2005 in W.P.No.1980 of 2005 which judgment is following the judgment of a Division Bench of this Court dated 11-03-2004 in W.A.Nos.452 and 477 of 2004, that the order impugned herein disconnecting the electrical supply to the petitioner unit on the basis of a provisional assessment notice, cannot be sustained. Despite the clear declaration of law by a Division Bench of this Court and its reiteration by a learned single Judge of this Court as adverted to supra, the respondents persist in the recidivist conduct of passing similar unsustainable orders. As a consequence, the overburdened Judicial Branch is needlessly loaded with avoidable litigation.

In the aforesaid circumstances, as admittedly the impugned order is unsustainable, it is quashed. The writ petition is allowed with costs of Rs.5,000/- (Rupees five thousand only) imposed on the respondents of which an amount of Rs.1,000/- (Rupees one thousand only) shall be payable to the petitioner and Rs.4,000/- (Rupees four thousand only) to the A.P. State Legal Services Authority, within a period of four weeks from today.

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GODA RAGHURAM, J

Dated May 10, 2005.

Ycr/Bsc

To

1 The Managing Director, Southern Power Distribution Company of A.P. Limited, Tirupathi.
2 The Assistant Divisional Engineer, Operation, A.P.S.P.D.C.L., Piduguralla,

Guntur District.

3 The Divisional Engineer, Assessments, Vijayawada.

4 The Assistant Engineer Operation, Rajupalem, Guntur District.

5. 2 C.D. copies.